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महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६
कलम ३७(१) अन्वये बृहन्मुंबई विकास नियंत्रण नियमावलीमध्ये
करावयाच्या फेरबदलाबाबताची अधिसूचना.

महाराष्ट्र शासन,
नगर विकास विभाग,

शासन अधिसूचना क्रमांक: टिपीबी-४३०९/१२४२/प्र.क्र.७/२००९/नवि-११
मंत्रालय, मुंबई : ४०० ०३२,
दिनांक : २ सप्टेंबर, २००९.

शासन निर्णय:- सोबतची अधिसूचना राज्य शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात
यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(राजेंद्र हाबडे)

अवर सचिव, महाराष्ट्र शासन.

प्रति,

सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई-३२.

महापालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.

मुख्य कार्यकारी अधिकारी, झोपडपट्टी पुनर्वसन प्राधिकरण, गृहनिर्माण भवन, वांद्रे (पूर्व), मुंबई-५१.

संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.

उप सचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.

प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका मुंबई.

व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना विनंती करण्यांत येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण
राजपत्रात भाग-१ मध्ये प्रसिध्द करण्यात येवून त्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग,
(नवि-११), मंत्रालय, मुंबई-३२ व उप संचालक, नगर रचना, बृहन्मुंबई, मुंबई यांना पाठविण्यांत
याव्यात.)

✓ कक्ष अधिकारी (संगणक कक्ष) (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई ४०० ०३२.

(त्यांना विनंती करण्यांत येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रदर्शित
करण्याबाबत आवश्यक ती कार्यवाही करावी)

निवडनस्ती (नवि-११).

सेक्शन ३७ फाईल.

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६

Development Control Regulations
for Greater Mumbai.

- Sanction to modification to
the Regulation 33(10) of
Development Control
Regulation for Gr. Mumbai.

NOTIFICATION

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032.
Dated the 2nd September, 2009.

No. TPB 4309/1242/CR-7/09/UD-11:

Whereas the Government of Maharashtra vide Notification of Urban Department No. DCR-1090/RDP/UD-11, dated 20th February, 1991 has sanctioned the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") under section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") to come into force with effect from 25th March, 1991;

And whereas, the Government of Maharashtra vide Notification of Housing and Special Assistance Department No. SRP-1095/CR-37/Housing Cell, dated 16th December, 1995 has appointed "Slum Rehabilitation Authority" (hereinafter referred to as "the said Authority") under the provisions of section 3-A of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971;

And whereas, according to the provisions of section 2(19) of the said Act the said Authority has been granted the status of the Planning Authority in respect of slum rehabilitation areas for the purpose of implementation of Slum Rehabilitation Scheme in Brihan Mumbai;

And whereas, the Government of Maharashtra vide Notification of Urban Department No. DCR 1095/1209/CR-273/95/UD-11, dated 15th October, 1997 has sanctioned the modified Regulations 33(10) (hereinafter referred to as "the said modified regulation") for effective implementation of Slum Rehabilitation Scheme and which came into force with effect from 15th October, 1997;

And whereas, as per the provisions of clause 7.7 of Appendix-IV (hereinafter referred to as "the said clause") of the said modified regulations, joint development of slum and contiguous non-slum

area under any other provisions of regulations are be allowed together in order to promote flexibility of design as well as to raise more resources, provided the FSI on non-slum quantum of area shall be restricted to that permissible in the surrounding zone. Also such a project shall be deemed to be a Slum Rehabilitation Project.

And whereas, the said Authority vide its letter No. SRA/Eng/6014 dated 10/11/2003 has pointed out that, a non slum plot which otherwise falls within receivable zone for utilization of DRC as per provisions of normal regulations, should be entitled for construction upto 2.00 FSI (normal permissible 1.00 FSI + 100% TDR) as per the provision of normal regulation;

And whereas, the Govt. vide order of even No. dated 16/6/2004 had directed under section 37(1) of the said Act to the Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation"), to initiate modification in DCR 33(10) - 7.7;

And whereas, provided in sub-section (1) of section 37 of the said Act, the said Corporation was required to publish a notice regarding the said modification in official gazette within a period of 60 days from the date of issue of the said directions. However, the said Corporation has failed to publish the requisite notice within the stipulated period of sixty days;

And whereas, in view of the facts and circumstances mentioned above and in exercise of the powers contained in sub-section (1A) of section 37 of the said Act, Government issued the notice of even no. dated 24/2/09 (hereinafter referred to as "the said notice") for inviting suggestions/objections from any person with respect to the said modification;

And whereas, the said notice was published in the Government Gazette (Ordinary) dated 26/2/09 and the said notice was published in the news paper namely Asian Age dated 22/5/09;

And whereas, as per the said notice Government has appointed Dy. Director of Town Planning Gr. Mumbai as an officer under section 162 of the said Act (hereinafter referred to as "the said officer") scrutinize any suggestions/objections received, grant hearing to the persons and to submit his report to the Government regarding the said modification;

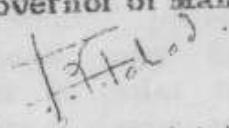
After completing the procedure as laid down under section 37(1A) of the said Act, the said Officer has submitted his report to Govt. on 21/7/09 (hereinafter referred to as "the said Report");

And whereas, after consulting Director of Town Planning, Maharashtra State, Govt. is of opinion that the said modification should be sanctioned with some changes.

Now therefore, in exercise of the powers vested under section 37(2) of the said Act, Government hereby -

- A) Sanction the said modification as mentioned in the schedule attached herewith.
- B) Fixes the date of publication of this notification in the Government Gazette as the date of coming into force of this notification.
- C) Directs the said Corporation that in the schedule of modification sanctioning the said regulations, after the last entry, the schedule referred to as (A) above shall be added.

By order and in the name of the Governor of Maharashtra,


(Rajendra Habde)

Under Secretary to Government

SCHEDULE

Accompaniment to Notification No. TPB 4309/1242/CR-7/09/UD-11
dated 2nd September, 2009.

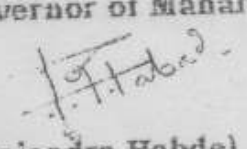
| Sr. No. | Existing provision. | Sanctioned modification. |
|------------|--|---|
| 1 | <p><u>D.C.R. 33(10) - 7.7:</u> Wherever slum and municipal/ MHADA property are found together or adjoining, it would be eligible for redevelopment using provisions of both DCR -33(7) and of DCR -33(10). Development of slum and contiguous non-slum area under any other provisions of regulations may be allowed together in order to promote flexibility of design as well as to raise more resources, provided the FSI on non-slum quantum of area shall be restricted to that permissible in the surrounding zone. Such a project shall be deemed to be a Slum Rehabilitation Project. The power under D.C. Regulation 11(4) for shifting and/or interchanging the purpose of designations/ reservations shall be exercised by the Chief Executive Officer, Slum Rehabilitation Authority in respect of slum rehabilitation areas/projects.</p> | <p><u>D.C.R. 33(10) Appendix IV - 7.7:</u> Wherever slum and municipal/ MHADA property are found together or adjoining, it would be eligible for redevelopment using provisions of both DCR - 33(7) and of DCR -33(10). Development of slum and contiguous non-slum area under any other provisions of regulations may be allowed together in order to promote flexibility of design as well as to raise more resources, provided that the FSI of non-slum quantum of area shall be restricted to that permissible in the surrounding zone, inclusive of admissible TDR on non-slum area. Such a project shall be deemed to be a Slum Rehabilitation Project and plans for non slum area including the plans for admissible TDR shall be approved by CEO, SRA. The power under D.C. Regulation 11(4) for shifting and/ or interchanging the purpose of designations/ reservations shall be exercised by the Chief Executive Officer, Slum Rehabilitation Authority in respect of slum rehabilitation areas/ projects.</p> |
| 2 | <p><u>D.C.R. 34 - Appendix VII-11(f)</u> On plots for housing schemes of slum dwellers for which additional FSI is permissible under sub-regulation (10) of Regulation 33.</p> | <p><u>D.C.R. 34 - Appendix VII-11(f)</u> On plots for housing schemes of slum dwellers for which additional FSI is permissible under sub-regulation (10) of Regulation 33. However, in cases where non-slum plot is amalgamated with the slum plot for the purpose of better</p> |

planning etc., then DRC will be receivable on the non-slum plot. In such cases utilisation of DCR shall be governed as per procedure and provisions stipulated in Appendix VII-A and Appendix VII-B of DCR 1991.

3 D.C.R. 33(10) Appendix VII(B) - 10(ii)
On plots where Slum Rehabilitation Projects have been taken up or are possible.

D.C.R. 33(10) Appendix VII(B) - 10(ii)
On plots where Slum Rehabilitation Projects have been taken up or are possible. However, in cases where a non-slum plot is amalgamated with a slum plot then DRC shall be valid for use on non-slum plot. In such cases utilisation of DCR shall be governed as per procedure and provisions stipulated in Appendix VII-A and Appendix VII-B of DCR 1991.

By order and in the name of the Governor of Maharashtra,


(Rajendra Habde)
Under Secretary to Government